

Amendment No. 1 to HB0191

Marsh
Signature of Sponsor

AMEND Senate Bill No. 430

House Bill No. 191*

by deleting all language after the enacting clause and substituting the following:

SECTION 1. Tennessee Code Annotated, Section 68-121-101(3)(C), is amended by adding the following as a new subdivision:

(xvii) Seasonal haunted houses that are open no more than three (3) months in a calendar year;

SECTION 2. Tennessee Code Annotated, Section 68-121-101(17), is amended by adding the following as a new subdivision:

(D) Is a member of, and certified by, the Association for Challenge Course Technology (ACCT);

SECTION 3. Tennessee Code Annotated, Section 68-121-101, is amended by deleting subdivision (20).

SECTION 4. Tennessee Code Annotated, Section 68-121-102(a)(1), is amended by deleting the subdivision and substituting the following:

(1) There is created the elevator and amusement device safety board, consisting of eight (8) members appointed by the governor. The focus of five (5) members of the board shall be for elevator safety, the focus of two (2) members shall be amusement device safety, and the focus of one (1) member shall be on amusement device safety, representing the interests of the traveling amusement device business, inflatables, challenge courses, or the commercial sale or rental of amusement devices. The initial

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appointments for two (2) of the members whose focus is amusement device safety shall be as follows: one (1) member shall be appointed for a term of three (3) years and one (1) member shall be appointed for a term of four (4) years. The term of the member representing the interests of the traveling amusement device business, inflatables, challenge courses, or the commercial sale or rental of amusement devices shall be for a term of four (4) years. At the expiration of the respective terms of each member of the board, a successor, identifiable with the same focus as provided in this section, shall be appointed for a term of four (4) years. The term or appointment of any person who is a member of the elevator and amusement device safety board shall continue until the person's term expires and successors are appointed.

SECTION 5. Tennessee Code Annotated, Section 68-121-118, is amended by deleting the language "qualified, third-party inspector" wherever it appears in the section and substituting instead the language "qualified inspector".

SECTION 6. Tennessee Code Annotated, Section 68-121-119, is amended by designating the existing language as subsection (a) and adding the following as subsection (b):

(b) The commissioner may employ or contract with qualified inspectors to conduct inspections of amusement devices pursuant to this chapter. However, if the commissioner does not employ or contract with qualified inspectors, then owners and operators shall provide the commissioner with all resulting inspection reports.

SECTION 7. Tennessee Code Annotated, Section 68-121-120, is amended by deleting the section and substituting the following:

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(a) A person shall not operate an amusement device unless the owner of the amusement device has the device inspected at least once annually by a qualified inspector, who is either provided by the commissioner or whom the owner or insurer has selected from the lists maintained on the department's website pursuant to § 68-121-119, and has obtained written documentation from the qualified inspector that the inspection has been made and the amusement device meets American Society of Testing Materials (ASTM) standards or the Association for Challenge Course Technology (ACCT) industry standards. The owner of the amusement device is solely responsible for the cost of an inspection conducted pursuant to this subsection (a).

(b) The inspection required pursuant to subsection (a) must be conducted, at a minimum, to meet the manufacturer's or engineer's specifications and to follow the applicable ASTM standards or ACCT industry standards.

(c) The commissioner may conduct a spot inspection of any amusement device without notice at any time while the amusement device is operating or will be operating in this state. The commissioner's designee may order temporary suspension of an operating permit if it has been determined after a spot inspection that an amusement device or devices are hazardous or unsafe. Operation of the amusement device shall not resume until the hazardous or unsafe condition has been corrected and subjected to reinspection by the commissioner for an inspection fee established by rule.

(d) An operator of an amusement device must be competent and at least sixteen (16) years of age. An operator shall operate no more than one (1) amusement device at any one (1) time and shall be in attendance at all times the device is in operation.

SECTION 8. Tennessee Code Annotated, Section 68-121-121, is amended by designating the existing language as subsection (a) and adding the following language as subsection (b):

(b) An owner or operator of an amusement device, as applicable, shall prominently display or have available on location the amusement device's proof of inspection, which shall include the date of the last inspection of the amusement device.

SECTION 9. This act shall take effect upon becoming a law, the public welfare requiring it.